UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1069
27 December 1996

ORIGINAL: ENGLISH

LETTER DATED 23 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith a copy of a document of the Government of Rwanda which indicates the priority needs and the requirements of the Government in order to enable it to cope with the massive return of Rwandan refugees from the neighbouring countries of Zaire, Burundi and the United Republic of Tanzania (see annex).

The document specifies the priority areas, sector by sector, where assistance is required. Such assistance constitutes the most important contribution towards sustainable peace and stability, security and development of Rwanda.

I would be most grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Gideon KAYINAMURA
Ambassador
Permanent Representative

96-37733 (E) 301296 311296

/...

Annex

Emergency programme for resettlement and reintegration in the context of the present massive return of refugees

I. THE CURRENT SITUATION

1. More than 500,000 refugees from eastern Zaire have returned to Rwanda as of 11 November 1996. According to the census carried out in the camps, this represents the majority of refugees who were in eastern Zaire. The Government has organized the speedy return of refugees to their home communes without delaying at the border or in the reception centres. According to surveys made in the communes of origin, the majority of the returnees will be resettled mainly in five prefectures: Kigali-Rural, Kigali-Ville, Ruhengeri, Gisenyi and Byumba. The refugees from South-Kivu who had not reached the camps of Mugunga and Lac-Vert are now coming back through Cyangugu.

2. There are signs indicating the return of refugees from the United Republic of Tanzania. If this continues to gather momentum more hundreds of thousands are anticipated to return.

3. The rate of return has speeded up remarkably compared with that of the first 10 months of the year, which was about 13,200 per month. It is therefore essential to adopt an emergency strategy to deal with the present situation and to review and speed up the timetable of implementation of the programmes already agreed upon with the international community. The disbursing rate must also be speeded up.

4. In the present situation, provision of shelter and housing is among the top priority of the Government to cater for people who have nowhere to live. This document presents a framework of the emergency measures and tries to link it to the general development programme discussed with the international community during the Geneva Conference of June 1996.

II. PROGRAMME GUIDELINES

A. Principles

5. The following guidelines will be followed in the implementation of the emergency programme for repatriation and reintegration of returnees:

(a) The emergency programme should not in any way disrupt the current efforts towards rehabilitation and development;

(b) The emergency resettlement and social reintegration of refugees should support and strengthen the long-term development programmes;

(c) The emergency programme should contribute to capacity-building of the national institutions;

(d) The Government is responsible for the overall coordination of the programme as follows: the Ministry of Planning coordinates the conception of projects and their financing and the Ministry of Rehabilitation and Social Integration coordinates the execution.

B. High priority sectors

6. The programme is divided in phases.

1. First phase

7. This phase concentrates on providing emergency assistance to the returnees, notably:

(a) Temporary shelter and housing (sheeting, tents, portable housing, etc.);

(b) Food, and emergency kits (jerricans, blankets, utensils, farming tools, seeds, etc.);

(c) Medicine, water and sanitation;

(d) Transport for the emergency assistance and moving people to home communes.

2. Second phase

8. This phase concentrates on areas of general interest like education, health, justice, security, public infrastructure, resettlement and capacity-building. This is a consolidation phase. It should be stressed, however, that some of the activities in this phase have a bearing on the emergency situation and should commence immediately with the emergency phase.

(a) Education. In order to provide for the education needs of the returnees and other concerned population, it will be necessary:

(i) To rehabilitate and equip existing school structures;

(ii) To construct and/or expand schools;

(iii) To recruit and train teachers;

(b) Health. In order to provide for the medical needs, it will be necessary:

(i) To obtain additional quantity of medicine, vaccines and other medical supplies;

(ii) To rehabilitate and equip existing health centres;

(iii) To construct and/or expand health centres;

(iv) To recruit and train health professionals;

(c) Justice. To facilitate a smooth reintegration, the justice system must be strengthened through:

(i) Rehabilitation and equipment of judicial infrastructures;

(ii) Training of personnel required in the justice system;

(iii) Reinforcing the prosecution department;

(iv) Improving the prison conditions;

(d) Security. To provide for the increased security needs it will be necessary:

(i) To recruit and/or train the gendarmes and communal police;

(ii) To provide adequate transport and communication equipment;

(iii) To provide other required equipment;

(iv) To demobilize and successfully integrate soldiers in the socio-economic life;

(e) Public infrastructure. To facilitate the social-economic reintegration, there is a need to rehabilitate and expand certain segments of the public infrastructure, notably feeder roads, electricity and water supply;

(f) Resettlement and reintegration of returnees. This constitutes the most important part of the programme and will involve the following:

(i) Site preparation;

(ii) Construction of houses;

(iii) Socio-economic reintegration in public and private sector;

(iv) Support for income-generating activities and facilitation of access to loans;

(g) Re-enforcement of local administration through communes. To help the quick reintegration of returnees it is very important to increase the capacity of the communes through provision of:

(i) Transport and communication equipment;

(ii) Office equipment;

(iii) Human resources and improving management capacity through training;

(h) Vulnerable groups. There is a large number of vulnerable groups, most of whom are survivors of genocide, who need urgent attention. This is an important step in the fostering of national reconciliation. These needs include:

(i) Access to basic necessities (health, education, food, shelter, etc.);

(ii) Family reunification and social integration;

(iii) Psycho-social programmes for traumatic people;

(iv) Capacity-building for associations of survivors.

(i) National reconciliation. The genocide has disrupted the social harmony. It is therefore important for the Rwandans to be re-educated to emphasize national unity and reconciliation through:

(i) Popular education on justice and human rights;

(ii) Sensitization programmes and seminars on various subjects for professionals;

(iii) National unity and reconciliation schools;

(iv) Debates in various forums including the media.

9. The above should be implemented with the view to link current emergency activities with the 1997-1999 development programme. As much as possible, it is important to consider communities as units and avoid creating inequalities among populations.

III. MACROECONOMIC ASPECTS

10. The Government took good note of the fact that a special appeal has been launched by the United Nations in order to meet the emergency situation in Rwanda. For this assistance to be useful, its delivery should be through mechanisms acceptable to the Government.

11. Among the returnees will be a certain number of former civil servants who should be integrated in the socio-economic life. The Government of Rwanda, in agreement with donors, has reduced the public service in order to try to control the budget deficit. To be able to reintegrate the returnees and to tap their experience and knowledge, the Government of Rwanda, together with the donors, needs to review the current public service policy.

12. There should be a link between the emergency programme and sustainable development.

IV. MECHANISMS OF MANAGEMENT AND COORDINATION OF THE PROGRAMME

A. Programme coordination

13. The coordination of this programme, as well as for those already agreed upon with the international community within the framework of the round-table conferences, will be ensured, at the technical level, by an ad hoc interministerial committee made up of the Ministry of Planning and those in charge of defence, transport, health, public works and rehabilitation and social services. This Committee will hold periodic meetings.

14. The execution of the programme will be carried out through the United Nations specialized agencies, the non-governmental organizations and the private sector under the supervision of technical ministries which will report to the interministerial committee.

15. In-kind contributions will be directly transferred to the execution agencies after approval by the Government in order to encourage the synergy between the considered actions and coherence with the development programme and to avoid the waste and duplication of efforts noticed in the implementation of the 1994 emergency programme after the genocide.

B. Programme management

16. For the efficient management of the programme, the Government suggests the creation of a special emergency fund for the massive return and reintegration of refugees. The allocation of funds to the various subprogrammes shall be decided by an interministerial committee in liaison with relevant technical departments. There shall be joint management of the fund by representatives of the Government and the donors. The Government also wishes to get the support of a national agency for the management of the emergency programme.

V. ESTIMATE OF NEEDS

17. In order to carry out the above-mentioned emergency programme, the Government assesses the needs in human and financial resources as follows.

A. Emergency assistance

18. The estimate of emergency assistance required is based on an expected return of a total population of one million, two hundred thousand families from both Zaire and the United Republic of Tanzania.

1. Foodstuffs

19. The total needs estimated per person are based on a daily ration of 250 grams of cereal; 200 grams of beans; 20 grams of oil and 5 grams of salt.

20. The majority of the beneficiaries are from rural areas and the next planting season will start in January 1997 and will end in June, therefore food distribution is expected to last for a maximum period of eight months.

Item	Quantity (tons)	Cost per unit (In United States dollars)	Total price
Cereal	60 000	200	12 000 000
Beans	48 000	450	21 600 000
Oil	4 800	800	3 840 000
Salt	1 210	179	216 000
Total			37 656 000

2. Household utensils

21. For an average family of five persons a kit made up of the following is needed:

	Cost $
2 blankets	10.0
2 jerrycans	5.0
6 bars of soap (250 grams)	1.2
Cooking utensils	10.0
Farming tools	15.0
Seeds	5.0

Item	Quantity	Cost per unit (in United States dollars)	Total cost
Blankets	400 000	5.0	2 000 000
Jerrycans	400 000	2.5	1 000 000
Soap[a]	240	800.0	192 000
Cooking utensils	200 000	10.0	2 000 000
Farming tools	200 000	15.0	3 000 000
Seeds	200 000	5.0	1 000 000
Total			9 192 000

[a] Tons.

3. Transport and fuel

22. It is crucial to avoid congestion of refugees at the border posts and transit centres. This would be possible if there is sufficient transport. The estimated cost for hiring vehicles and fuel for one month is:

Item	United States dollars
150 lorries for 30 days	900 000
Fuel $2,400/month/lorry)	7 560 000
Total	8 460 000

4. Shelter

23. Depending on the situation of each family, some people will need plastic sheeting (3.5 square metres per person, tents (one per family) or portable houses (one per family).

Item	Quantity	Cost per unit	Total cost
		(in United States dollars)	
Plastic sheeting	1 750 000[a]	0.875	1 531 250
Tents	100 000	300.0	30 000 000
Portable home	5 000	5 000.0	25 000 000
Total			56 531 000

[a] Square metres.

24. The total cost for the first phase is $111,839,000.

B. Education

25. Considering the massive return of refugees with a large number of school-going children, reinforcement of the education sector is very important. The needs include:

	(United States dollars)
Rehabilitation, construction and/or extension of school structures plus other education equipment	30 000 000
Recruitment and training of teachers and lecturers	5 000 000
Total	35 000 000

C. Health

26. Some 60 per cent of the health facilities have been rehabilitated and equipped to the pre-genocide standard. Considering the massive return of refugees, however, it is important to accelerate the rest of the programme to avoid any crisis in this domain.

27. It is evident that there is a shortage of medicine, vaccine, other medical supplies and enough qualified medical personnel.

28. Needs in the health sector are estimated as follows:

	(United States dollars)
Medicine, vaccines and other medical supplies	3 000 000
Equipment for health centres	8 500 000
Rehabilitation of health infrastructure	3 000 000
Transport (ambulances)	1 500 000
Communication equipment	1 600 000
Operating costs for six months	4 000 000
Sensitization of the population to be health conscious	2 000 000
Reinforce the capacity for central and regional coordination	1 200 000
Make available the necessary human resources	600 000
	26 000 000

D. Justice

29. A functional judicial system in the process of repatriation and reintegration is of paramount importance to achieve a durable peace and stability.

30. The cost of the main activities is as follows:

	(United States dollars)
Reorganization of the judicial system	25 000 000
Improvement of conditions in the prisons	24 000 000
Prosecution and trials	6 000 000

31. Although about $15 million of the above required money has already been pledged, quick disbursement is needed.

E. Security

1. Gendarmerie

32. The massive return of refugees, some of whom may be suspected of acts of genocide, may be a potential source of insecurity for the returnees and the survivors. To avoid potential conflicts in the villages, notably acts of vengeance or killing of survivors of genocide in the attempt to destroy evidence, the gendarmerie must play an important role in bringing about public order. This is in addition to the role it plays in the justice system.

33. To provide for the increased security needs it will be necessary:

(a) To recruit and/or train the gendarmes and communal police;

(b) To provide adequate transport and communication equipment;

(c) To provide other required equipment.

The estimated cost is $18 million.

2. Communal police

34. The communal police force was established a year and a half ago in order to be closer to the people and to help in solving conflicts. The massive return of refugees will require additional activities for the communal police. Therefore it is important to reinforce it by providing equipment and training. There is a need to train at least 750 additional communal police, making it 15 per commune. This would cost about $5 million.

3. Demobilization of soldiers

35. The Government of Rwanda has undertaken a process of demobilization of soldiers in order to reduce the size of its army and the strain on the budget. With the return of refugees a good number of members of the former Rwandan Government Forces are also coming back. The policy of the Government of Rwanda has been to welcome and integrate soldiers of the former Rwandan Government Forces who want to join the Rwandan Patriotic Army and have no known criminal

record. In order to foster national reconciliation, the Government will maintain the same policy of integrating former Rwandan Government Forces members based on merit and clean criminal record. However, this will increase the size of the Rwandan army and negatively impact on the budget. There is a need to accelerate the demobilization process which it is anticipated will affect about 20,000 soldiers. There is therefore a need to cater to their smooth social-economic integration in order to avoid them being a source of insecurity. This programme is expected to cost $60 million and the total cost for the security component is $83 million.

F. Public infrastructure

36. To facilitate the social-economic reintegration there is a need to rehabilitate and expand certain public infrastructure notably feeder roads, electricity and water supply. In this emergency programme the emphasis will be on water and electricity. Indeed the massive return of refugees will result in the increased need for potable water estimated to cost $45 million. Upgrading electricity supply in order to serve resettlement site is estimated to cost $45 million. This gives a total of $90 million.

G. Resettlement and housing

37. This component of the programme is very important in order to avoid conflicts based on properties, thus enhancing social harmony. The needs are as follows:

1. Compensation (expropriation) and site preparation

38. This will involve two phases:

		(United States dollars)
First phase:	1,000 hectares (500 for Kigali and 500 for other urban centres)	
	Compensation	22 000 000
	Site preparation	95 000 000
Second phase:	800 additional hectares	
	Compensation	17 500 000
	Site preparation	75 000 000
	Total	209 500 000

2. Mechanisms for supporting housing programmes

39. The donors would make available a grant to be deposited in the Central Bank as a long-term subsidy. The certified commercial banks would acquire these funds through treasury bonds at a rate of 30 per cent for 15 years to reinforce their resources in the long term with the agreement that these banks would give the people long-term housing loans at a reduced interest rate of 8 per cent. The required amount is about $60 million.

40. There is, however, another category of people both in villages and towns who must be assisted in other ways, such as the provision of iron sheets, nails, etc.

H. Re-enforcement of local administration through communes

41. The massive return of refugees is going to put tremendous strain on the understaffed and underequipped communes. Since the commune is going to be the centre of resettlement and reintegration activities, there is a need to increase their capacity through the provision of transport and communication equipment, office equipment, human resources and improve management capacity through training. Communal activities are coordinated through prefecture structures which need some support also.

42. The estimated cost for this component is:

	(United States dollars)
Support for communes	20 000 000
Support to prefectures and sub-prefectures	5 000 000
Total	25 000 000

I. Vulnerable groups

43. The 1994 genocide was one of the most traumatic events in the recent history of Rwanda. This has created a large number of survivors, notably vulnerable groups like unaccompanied children, widows, street children, etc. who have no access to necessary resources. This group of people is estimated to be about half a million.

44. To be able to meet the immediate needs of this group the estimated cost is $19 million in the first phase and $35 million in the second. This gives a total of $54 million.

J. National reconciliation

45. National unity and reconciliation is the backbone of our political programme. The Government has embarked on a broad national reconciliation

programme that includes respect of fundamental rights for every Rwandan, the rule of law and equal rights for all. National reconciliation education campaigns are important in the struggle to fight sectarian politics based on ethnicity which has characterized Rwandan politics in the past regimes. It is most probable that there has been an attempt to brain-wash and teach hatred to the refugees in camps making the national reconciliation even more relevant.

46. The following activities are programmed: population education on justice and human rights; sensitization programmes and seminars on various subjects for professionals; national unity and reconciliation schools; and debates in various forums, including the media. This is estimated to cost $15 million.

47. The total cost of the second phase is $627.5 million.

VI. TOTAL ESTIMATED COST OF THE EMERGENCY PROGRAMME

48. The total cost of the programme is estimated to be $737,339,000. The total is reached anticipating a quick return of resettlement and reintegration of the influx that is already in the country from Zaire, in which case the cost of the programme is about 65 per cent of the above figure. This would be equal to $480,570,350.

Appendix

Estimate of emergency needs for the reintegration of refugees

(In United States dollars)

Actions[a]	First phase	Second phase	Total
Emergency assistance	111 839 000		111 839 000
Foodstuffs	37 656 000		37 656 000
Household utensils	9 192 000		9 192 000
Transport and fuel	8 460 000		8 460 000
Shelter	56 531 000		56 531 000
Education		35 000 000	35 000 000
Health		26 000 000	26 000 000
Justice		30 000 000	30 000 000
Security		83 000 000	83 000 000
Gendarmerie		18 000 000	18 000 000
Communal Police		5 000 000	5 000 000
Demobilization		60 000 000	60 000 000
Public infrastructure		90 000 000	90 000 000
Resettlement and housing		269 500 000	269 500 000
Compensation		39 500 000	39 500 000
Site preparation		170 000 000	170 000 000
Support for housing		60 000 000	60 000 000
Local administration		25 000 000	25 000 000
Vulnerable groups		54 000 000	54 000 000
National reconciliation		15 000 000	15 000 000
Total	111 839 000	627 500 000	739 339 000

[a] For some of the activities may span over the two phases. That is certainly the case for activities programmed in the health sector that are needed in the emergency phase and the second phase.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1070
27 December 1996
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 24 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As the representative of the State which organized the meeting, I have the honour to transmit the texts of the Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, on the results of the meeting held in Moscow on 23 December 1996, and of the Protocol on the basic functions and powers of the Commission on National Reconciliation (see attachments).

I should be grateful if you would have this letter and its attachments circulated as a document of the Security Council.

(Signed) S. LAVROV

96-37740 (E) 271296 271296

Annex I

Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, on the results of the meeting held in Moscow on 23 December 1996

The President of the Republic of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, understanding the ruinous nature of the military and political confrontation and aware of the high responsibility for the future of the Tajik people and State, having met in Moscow on 23 December 1996, have agreed as follows:

The inter-Tajik talks and the implementation of the agreements reached during them must be completed within 12 to 18 months from the date of signature of the present Agreement;

Bearing in mind that the signature of the present Agreement marks the beginning of a qualitatively new phase in the attainment of peace and national accord, they have taken the policy decision to establish for the above-mentioned transition period a Commission on National Reconciliation. A representative of the Tajik opposition will serve as Chairman of the Commission. The delegations to the talks are instructed to determine in the course of the next round, which is to begin in Tehran on 5 January 1997, the quantitative and personal composition of the Commission and its specific functions and powers;

There is a need to implement a universal amnesty and reciprocal pardoning of persons who took part in the military and political confrontation from 1992 up to the time of adoption of the Amnesty Act;

To conduct within the shortest possible time a full exchange of prisoners of war and other prisoners. They requested the United Nations Mission of Observers in Tajikistan and the International Committee of the Red Cross to extend the necessary assistance for the conduct of this humanitarian activity;

From the date of signature of the present Agreement, to proclaim a ceasefire and the cessation of other hostile activities for the entire period of the inter-Tajik talks;

For the purposes of establishing peace in the country, they have given instructions to the delegations to the talks to conclude them by 1 July 1997 through the signature of the documents provided for in the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition express their gratitude to the representatives of the Russian Federation, the Islamic Republic of Iran, the Islamic State of Afghanistan, the other observer States at the inter-Tajik talks and the Secretary-General of the United Nations, Mr. B. Boutros-Ghali and his Special Representative,

Mr. G. Merrem, for their hospitality and their cooperation in organizing the meeting in Moscow.

(Signed) Emomali Sharipovich RAKHMONOV
President of the Republic of
Tajikistan

(Signed) Said Abdullo NURI
Leader of the United Tajik
Opposition

(Signed) G. MERREM
Special Representative of the
United Nations Secretary-General
in Tajikistan

Annex II

Protocol on the main functions and powers of the Commission on National Reconciliation

In connection with the beginning of a qualitatively new phase in the attainment of peace and national accord in Tajikistan and in accordance with the Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, the parties have taken the decision to establish for the transition period a Commission on National Reconciliation.

The main purposes of the Commission are the attainment of national reconciliation through the implementation of the agreements reached in the course of the inter-Tajik talks, the creation of an atmosphere of trust and mutual forgiveness, and the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan.

For these purposes, the Commission is assigned the tasks of:

Devising a monitoring mechanism and monitoring compliance by the Parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Implementing measures for the safe and appropriate return of the refugees, their active involvement in the social, political and economic life of the country and the provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to Parliament and the local representative bodies;

Establishment for the transition period of a Central Commission on Elections and the Conduct of the Referendum;

Reform of the Government - inclusion of representatives of the opposition (the United Tajik Opposition) in the structures of executive authority, including ministries, departments, local authorities, judicial bodies and law enforcement agencies, in proportion to the representation of the parties in the

Commission on National Reconciliation and taking into account the regional principle;

Guidance and monitoring of the disbandment, disarmament and reintegration of the armed units of the opposition, and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war, other prisoners and forcibly detained persons;

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by Parliament and the Commission on National Reconciliation;

Development of a mechanism for converting the military-political movements into political parties;

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Decisions adopted by the President and the Commission regarding issues of national reconciliation shall be binding on the authorities.

The activities of the Commission on National Reconciliation shall be conducted in close cooperation with the United Nations Mission of Observers and the OSCE Mission in Tajikistan.

The Commission on National Reconciliation shall cease its activities after the convening of the new Parliament and the establishment of its authorities.

The present Protocol forms an integral part of the Agreement signed in Moscow on 23 December 1996 by E. S. Rakhmonov, S. A. Nuri and G. D. Merrem.

(Signed) E. S. RAKHMONOV
President of the Republic of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik Opposition

(Signed) G. D. MERREM
Special Representative of the United Nations Secretary-General in Tajikistan

23 December 1996

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1071
27 December 1996
ENGLISH
ORIGINAL: ENGLISH AND
RUSSIAN

LETTER DATED 24 DECEMBER 1996 FROM THE REPRESENTATIVES OF THE ISLAMIC REPUBLIC OF IRAN AND THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to transmit herewith the text of a joint statement of the Islamic Republic of Iran and the Russian Federation on Tajikistan adopted at the talks in Tehran on 22 and 23 December 1996 between the Minister for Foreign Affairs of the Islamic Republic of Iran, A. A. Velayati, and the Minister for Foreign Affairs of the Russian Federation, Y. M. Primakov (see annex).

We should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) M. TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i. of
the Permanent Mission of the
Islamic Republic of Iran
to the United Nations

(Signed) Sergey LAVROV
Ambassador
Permanent Representative of
the Russian Federation to
the United Nations

96-37746 (E) 271296 271296

/...

Annex

[Original: Russian]

Joint statement by the Russian Federation and the Islamic Republic of Iran on Tajikistan

At talks held in Tehran on 22 and 23 December 1996, the Minister for Foreign Affairs of the Islamic Republic of Iran, A. A. Velayati, and the Minister for Foreign Affairs of the Russian Federation, Y. M. Primakov, discussed the current situation in Tajikistan and the course of the talks on the establishment of peace between the Government and the United Tajik Opposition.

The Ministers for Foreign Affairs of the two countries expressed the conviction that settlement of the Tajik conflict and the attainment of peace in Tajikistan are possible only through talks, taking into account the interests of all political forces and regions in Tajikistan and on the basis of mutual concessions.

In this context, they greatly welcomed the meeting in Moscow between the President of the Republic of Tajikistan, E. Rakhmonov, and the leader of the United Tajik Opposition, A. Nuri, and called on the parties to reach agreement, on which peace and stability in Tajikistan depend. In this connection, special significance is attached to the agreement of the sides in Tajikistan on a complete ceasefire and the formation of organs of authority.

They welcome the decision to hold the next round of talks in Tehran in the near future for the purpose of continuing discussion of the practical issues associated with the Moscow agreement.

The Ministers noted that considerable progress has already been made, marked by the Tehran Agreement of 17 September 1994 and the agreements reached at Ashgabat on 19 and 20 July and Khusdekh on 11 December 1996. Everything must be done to move ahead with a view to comprehensive settlement of the conflict and national reconciliation.

The Ministers expressed great appreciation of the efforts made by the United Nations to achieve a settlement of the conflict in Tajikistan. They called on the sides in Tajikistan to cooperate fully with the Special Representative of the Secretary-General and with the United Nations Mission of Observers in Tajikistan.

The Ministers for Foreign Affairs of the Islamic Republic of Iran and the Russian Federation declare their countries' readiness, in cooperation with the United Nations and the observer States at the inter-Tajik talks, to continue actively to promote the attainment of peace and national reconciliation in Tajikistan.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/766
S/1996/1072
27 December 1996
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

GENERAL ASSEMBLY
Fifty-first session
Agenda item 39
THE SITUATION IN AFGHANISTAN AND
ITS IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY

SECURITY COUNCIL
Fifty-first year

Letter dated 24 December 1996 from the representatives of the Islamic Republic of Iran and the Russian Federation to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Iranian-Russian statement on Afghanistan adopted at the talks in Tehran on 22 and 23 December 1996 between the Minister for Foreign Affairs of the Islamic Republic of Iran, A. A. Velayati, and the Minister for Foreign Affairs of the Russian Federation, Y. M. Primakov (see annex).

We should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) M. TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i. of the
Permanent Mission of the Islamic
Republic of Iran to the
United Nations

(Signed) Sergey LAVROV
Ambassador
Permanent Representative of
the Russian Federation to
the United Nations

ANNEX

[Original: Russian]

Statement on Afghanistan adopted at the talks held at Tehran on 22 and 23 December 1996 between the Minister for Foreign Affairs of the Islamic Republic of Iran and the Minister for Foreign Affairs of the Russian Federation

In the course of talks held at Tehran on 22 and 23 December 1996, the Ministers for Foreign Affairs of the Islamic Republic of Iran and the Russian Federation, A. A. Velayati and Y. M. Primakov, exchanged views on the development of events in Afghanistan and the prospects for a peaceful settlement of the inter-Afghan conflict.

Concern was expressed over the continuing violent armed confrontation between the forces of the Government of the Islamic State of Afghanistan and anti-government units.

The fact that as a result of the military action the civilian population is suffering and the number of refugees is on the rise gives cause for concern. The instances of serious violation of human rights, persecution on political and ethnic grounds and violation of the norms of international law, including actions that prevent the normal conduct of United Nations activities in Afghanistan, merit condemnation.

The intensification of the internal conflict may endanger the maintenance of the State unity of Afghanistan and impair peace and stability in the region.

The Ministers called for the parties to the conflict in Afghanistan to cease military action immediately and begin the search for ways of reaching agreements with a view to the restoration of civil peace. In so doing, account should be taken of the legitimate interests of all ethnic and religious groups and regions. None of the Afghan military and political groupings should impose its dominance on the others.

After calling for a halt to outside interference in the internal affairs of Afghanistan, the Ministers emphasized that a necessary condition for the settlement of the conflict must be maintenance of the State independence and territorial integrity of the Islamic State of Afghanistan.

The need for implementation of the provisions of Security Council resolution 1076 (1996) of 22 December 1996 was emphasized. The positive significance of the meetings held at the regional level, particularly the meeting of the leaders of five member countries of the Commonwealth of Independent States at Almaty on 4 October 1996 and the regional conference to promote a settlement in Afghanistan held in Tehran on 29 and 30 October 1996, as well as of the meeting of representatives of the interested States on Afghanistan organized by the Secretary-General of the United Nations in New York on 18 November 1996, was noted.

Agreement was reached on a continuation of the exchange of views between the Islamic Republic of Iran and the Russian Federation on issues relating to the settlement of the inter-Afghan conflict. The readiness of both countries to cooperate actively with the United Nations, the Organization of the Islamic Conference and interested States with a view to drawing up and adopting urgent measures to halt hostile action in Afghanistan and bring about a political settlement of the Afghan conflict was confirmed.

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/767
S/1996/1073
30 December 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 27 December 1996 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new mass violations of the airspace of the Republic of Cyprus and of the flight information region (FIR) of Nicosia by military aircraft of the Turkish Air Force.

During the last five days (22-27 December 1996), numerous violations of the national airspace of Cyprus have been recorded on a daily basis.

Such violations, which were taking place at the time of the discussions of the Cyprus question in the Security Council, not only increased tension on the island, but at the same time were in contravention of the provisions of the latest Security Council resolution on Cyprus, resolution 1092 (1996) of 23 December 1996, which states that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement.

In addition, these unauthorized intrusions into the Nicosia flight information region are in violation of international air traffic rules and seriously endanger civil aviation flights over Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest against the new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador
Permanent Representative of the
Republic of Cyprus
to the United Nations

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1074
30 December 1996

ORIGINAL: ENGLISH

LETTER DATED 30 DECEMBER 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your further report on the situation in the Great Lakes region of Africa dated 20 December 1996 (S/1996/1063) has been brought to the attention of the members of the Security Council.

In the light of the situation in the region, the members of the Security Council agree with your assessment that, in close consultation with the Organization of African Unity (OAU) and with the agreement of the Governments concerned, there is a case for strengthening the capacity of the United Nations to perform three functions: the provision of good offices to those involved in the various conflicts in the region; the mobilization of international interest in, and support for, an integrated effort to address the region's problems; and coordination of the work of the United Nations system as a whole.

In this regard, the members of the Security Council agree with the proposal contained in paragraph 17 of your report.

The members of the Security Council reiterate also that the present situation in the area underlines the need to organize a conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity. To this end, it would seem appropriate for a Special Envoy of the Secretary-General to continue to promote the convening of such a conference and to encourage the adequate preparation of such a conference on an urgent basis.

The Security Council remains actively seized of the matter.

(Signed) Francesco Paolo FULCI
President of the Security Council

96-37866 (E) 301296 311296

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1075
31 December 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1066 (1996)

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution 1066 (1996) of 15 July 1996, in which the Council requested that a report be submitted for its early consideration on the situation in the Prevlaka peninsula as well as on the progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences on this issue.

2. The United Nations Mission of Observers in Prevlaka (UNMOP) consists of 28 United Nations military observers (UNMOs). The current mandate expires on 15 January 1997. The mission is commanded by a Chief Military Observer, Colonel Harold Mwakio Tangai (Kenya), who succeeded Colonel Göran Gunnarsson (Sweden) on 26 November 1996.

3. In accordance with resolution 1066 (1996), UNMOP continues to monitor the demilitarization of the Prevlaka peninsula. It carries out daily foot and vehicle patrols on both sides of the border between the Republic of Croatia and the Federal Republic of Yugoslavia, except when prevented from doing so by restrictions of movement imposed by one party or the other. The Chief Military Observer and his Deputy hold meetings in Zagreb, Belgrade and Podgorica and with the local authorities in the mission area in order to reduce tension, improve safety and security, and promote confidence between the parties. During the reporting period, cooperation between UNMOP and the multinational Implementation Force (IFOR) was established through regular meetings.

II. THE SITUATION IN THE PREVLAKA PENINSULA

4. Since my last report, of 27 June 1996 (S/1996/502), the situation in the Prevlaka area has been generally stable, but recent events have raised tensions. During the mandate period the Croatian authorities allowed civilians access to the Blue Zone close to the Prevlaka compound. This prompted continuous patrolling by Yugoslav naval vessels at the entrance to Boka Kotorska bay. Subsequent joint air and naval exercises held by the Yugoslav side in the bay

further increased tension. Both parties tend to interpret such actions as deliberate provocations, which justify a strong reaction. The Croatian authorities have recently alleged violations of their airspace by Yugoslav military aircraft. UNMOP immediately defused the situation by active contact with both parties. Such military activities are unhelpful and, if unchecked, could develop into more dangerous incidents.

5. During the course of the present mandate period, the parties have shown little willingness to adopt the practical options proposed by UNMOP in May 1996 to reduce tensions and improve safety and security in the area. Despite the encouragement contained in Security Council resolution 1066 (1996) and the inquiries made by UNMOP in meetings with both sides, neither party has yet taken a unilateral initiative to implement these proposals fully. Consequently, there has been no change in the violations in the demilitarized zone as described in my previous report.

6. Continuing violations within the Blue Zone persist. They consist of Croatian fortified positions manned by special police and a Yugoslav checkpoint. The ability of UNMOP to fulfil its mission is further restricted by the random denial of entry into some Croatian positions and by the continued presence of a minefield blocking a road. This minefield poses a threat to UNMOs who patrol in the area.

7. The situation in the remainder of the demilitarized zone, the Yellow Zone, also remains unchanged. Croatian special police continue to occupy field defence positions along the international border where Yugoslav military and police are also deployed. Both parties impose restrictions on UNMOP's freedom of movement and insist on joint patrols in the northern part of the demilitarized zone. Minefields laid adjacent to patrol routes in the Yellow Zone are still a hazard to UNMOs.

8. In the current conditions of restricted freedom of movement, the present strength of UNMOP is sufficient to implement its mandate. UNMOP is conducting negotiations with the parties for increased freedom of movement and, if they succeed, a modest increase in the number of UNMOs will be necessary.

III. PROGRESS TOWARDS A SETTLEMENT

9. The Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed on 23 August 1996, fulfils an essential precondition for the achievement of a peaceful settlement of the Prevlaka issue. By that Agreement, the parties are committed to resolve the issue by negotiations in the spirit of the Charter of the United Nations and good-neighbourly relations.

10. However, the two Governments hold different interpretations about what the Agreement on Normalization defines as a "disputed issue", in addition to their different understandings of the security regime established by the United Nations. The Republic of Croatia sees the Prevlaka issue as one of security, while the Federal Republic of Yugoslavia considers it to be a question of territory. The Federal Republic of Yugoslavia has indicated that it wants UNMOP

to remain until a settlement is agreed, while Croatia is of the view that respect for the security regime established during the period of United Nations monitoring does not necessarily require the continued presence of United Nations monitors.

IV. OBSERVATIONS

11. The prospects for a peaceful settlement of the Prevlaka issue appear to have improved with the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia. Despite divergent public pronouncements by the two parties, I am optimistic that such a settlement can be attained. Given the comparative stability that UNMOP has ensured in the area, the parties must now proceed to negotiate a settlement.

12. Prevlaka remains a stable area. However, as recent events have shown, it is also a tense area and the potential for a military confrontation still exists. The continued violations and the lack of real progress on the adoption of the options presented by UNMOP are thus cause for concern. UNMOP is seeking a reduction in military and police deployment in the area and the elimination of existing violations. This should improve the climate for negotiations on a final settlement.

13. In the circumstances, I believe that the continued presence of UNMOP is indispensable if the full benefits of the Agreement on Normalization of Relations are to be realized in the Prevlaka area. I therefore recommend a further six-month extension of the mandate of UNMOP to 15 July 1997.

14. In conclusion, I wish to extend my sincere appreciation to Colonel Göran Gunnarsson for his dedicated efforts as the first Chief Military Observer for UNMOP. I would also like to thank the observers and staff of UNMOP who have served so diligently over the last year.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1076
31 December 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 28 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the text of a letter, dated 26 December 1996, addressed to you by the Minister for Foreign Affairs of the Republic of Iraq, Mr. Mohammed Saïd Al-Sahaf, on the subject of the attempted assassination of the Iraqi President's son, Mr. Uday Saddam Hussein, by the Al-Da'wah Party, based in Iran and supported by the Government of that country.

I should be grateful if you would have the text of this letter and its annex circulated to the members of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-37964 (E) 020197 020197 030197

/...

Annex

Letter dated 26 December 1996 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I wish to advise you that, on 12 December 1996, an assassination attempt was carried out against the Chairman of the Iraqi Olympic Committee and son of the President of the Republic of Iraq, Mr. Uday Saddam Hussein. I also wish to draw your attention to the interview on British radio on the morning of 15 December 1996, during which the military leader of the Al-Da'wah Party, Ali Baghdadi, claimed responsibility for the attempt on behalf of his party, stating that it had been under preparation for more than four months.

It is a well-known fact that the Al-Da'wah Party is based in Iran and that the Government of that country helps it to carry out terrorist acts abroad, which constitutes a violation of the United Nations Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, under which "every State has the duty to refrain from organizing, instigating, assisting or participating in (...) terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when (they) involve a threat or use of force". This principle is also set forth in the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly in 1994.

The Government of the Republic of Iraq, while lodging a strong protest with respect to the Iranian Government's sheltering and support of the aforementioned Al-Da'wah Party, requests you to intervene with the Government of Iran and urge it to hand over the perpetrators of this crime so that they may be tried and punished. Alternatively, Iran itself may try them in accordance with the rules of international law concerning terrorist activities.

I should like to note that the Ministry of Foreign Affairs of Iraq has addressed to the Iranian Embassy in Baghdad a further letter, a copy of which is attached, regarding the terrorist act which is the subject of the present letter.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Saïd AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1077
31 December 1996

ORIGINAL: ENGLISH

LETTER DATED 31 DECEMBER 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 985 (1995) CONCERNING LIBERIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia which was adopted by the Committee under the no-objection procedure on 30 December 1996, and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Gerardo MARTÍNEZ BLANCO
Chairman
Security Council Committee established
pursuant to resolution 985 (1995)
concerning Liberia

96-37970 (E) 020197 030197

/...

Annex

Report of the Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia

I. INTRODUCTION

1. The present report of the Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia covers the period from 1 January to 31 December 1996.

2. The previous report of the Committee was submitted to the Security Council on 30 January 1996 (S/1996/72) and covered the activities of the Committee since its establishment in 1995 until 31 December 1995.

II. SUMMARY OF THE ACTIVITIES OF THE COMMITTEE DURING THE REPORTING PERIOD

3. At its 3rd meeting, held on 3 January 1996, the Committee elected its bureau for 1996, which consisted of Ambassador Gerardo Martínez Blanco (Honduras) as Chairman, with the delegations of Indonesia and Italy providing the two Vice-Chairmen.

III. ACTION BY THE SECURITY COUNCIL

4. In paragraph 14 of its resolution 1041 (1996) of 29 January 1996, the Security Council reminded all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992 and to bring all instances of violations of the embargo before the Committee established pursuant to resolution 985 (1995) of 13 April 1995.

5. In paragraph 11 of its resolution 1059 (1996) of 31 May 1996, the Security Council recalled the obligation of all States to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the embargo before the same Committee.

6. In paragraph 12 of its resolution 1071 (1996) of 30 August 1996, the Security Council stressed the obligation of all States to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992), to take all actions necessary to ensure strict implementation of the embargo and to bring all instances of violations of the embargo before the same Committee.

7. And in paragraph 10 of its resolution 1083 (1996) of 27 November 1996, the Security Council stressed the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992), to take all actions necessary to ensure strict

implementation of the embargo, and to bring all instances of violations of the embargo before the Committee established pursuant to resolution 985 (1995) of 13 April 1995.

IV. OBSERVATIONS

8. In order to monitor the arms embargo effectively, the Committee relies solely upon the cooperation of States and Organizations in a position to provide it with pertinent information. In this regard, the Committee would like to remind all States of their obligation to comply with the Security Council resolutions relating to the arms embargo.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1078
31 December 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE REPRESENTATIVES AND DEPUTY AND ALTERNATE REPRESENTATIVES OF THE MEMBERS OF THE SECURITY COUNCIL ELECTED FOR THE PERIOD 1997-1998

At its 39th plenary meeting, on 21 October 1996, the General Assembly elected Costa Rica, Japan, Kenya, Portugal and Sweden as non-permanent members of the Security Council for a term of two years beginning on 1 January 1997.

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that, with regard to the representation of the members of the Security Council elected for the period 1997-1998, he has received the communications referred to hereunder.

Costa Rica: Credentials from the Minister for Foreign Affairs of Costa Rica, signed on 26 December 1996, stating that Mr. Fernando Berrocal-Soto has been appointed representative of Costa Rica on the Security Council, Mr. Melvin Sáenz-Biolley deputy representative and Ms. Nazareth Incera, Ms. Liliana Hernández, Mr. Federico Sáenz, Mr. Carlos Fernando Diaz, Ms. Oriana Vargas de Mendiola and Ms. Jessica Lang alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Japan: Credentials from the Minister for Foreign Affairs of Japan, signed on 6 December 1996, stating that Mr. Hisashi Owada has been appointed representative of Japan on the Security Council, Mr. Masaki Konishi deputy representative and Mr. Nobuyasu Abe, Mr. Toshihiro Takahashi and Mr. Akio Tanaka alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Kenya: The Secretary-General has received a facsimile of credentials from the Minister for Foreign Affairs and International Cooperation of Kenya, signed on 30 December 1996, stating that Mr. Njuguna M. Mahugu, O.G.W., has been appointed representative of Kenya on the Security Council, Dr. Kipkorir Alyazad Rana deputy representative and Mr. Thomas Boniface Amolo, Mr. Wanyambura Mwambia, Miss Amina Mohammed, Mr. James Warui Kihwaga and Mr. Thuita Mwangi alternate representatives.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

Portugal: The Secretary-General has received a facsimile of credentials from the Minister for Foreign Affairs of Portugal, signed on 31 December 1996, stating that Mr. António Víctor Martins Monteiro has been appointed representative of Portugal on the Security Council, Mr. José Tadeu da Costa Sousa Soares deputy representative and Mrs. Ana Gomes and Mr. Nuno Brito alternate representatives.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

Sweden: Credentials from the Minister for Foreign Affairs of Sweden, signed on 26 November 1996, stating that Mr. Peter Osvald has been appointed representative of Sweden on the Security Council, Mr. Anders Lidén deputy representative and Mr. Henrik Salander, Ms. Annika Jagander, Mr. Torkel Stiernlöf, Mr. Per Thöresson and Ms. Elinor Hammarskjöld alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1079
31 December 1996

ORIGINAL: ENGLISH

LETTER DATED 31 DECEMBER 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya, containing an account of the Committee's activities since the beginning of 1996. The present report, which was adopted by the Committee on 27 December 1996, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Zbigniew Maria WLOSOWICZ
Chairman
Security Council Committee established
pursuant to resolution 748 (1992)
concerning the Libyan Arab Jamahiriya

96-37977 (E) 020197

/...

Annex

Report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

I. INTRODUCTION

1. The Committee adopted the present report on 27 December 1996. The purpose of the report is to present a factual summary of the Committee's activities during the calendar year 1996, in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). During 1996, the Committee held eight meetings and handled over 100 incoming communications relating to various aspects of the implementation of the mandatory sanctions, as well as a comparable number of replies.

II. SUMMARY OF THE WORK OF THE COMMITTEE

A. General observations

2. On 22 January 1996, the Secretary-General addressed a note verbale in the form of a reminder to all Member States, drawing their attention to the relevant paragraphs of Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993. In paragraphs 8 of resolution 748 (1992) and 13 of resolution 883 (1993), all States were requested to convey to the Secretary-General information on the measures instituted by their Governments to meet the obligations set out in the two resolutions. In this connection, the Secretary-General issued two reports on progress in the implementation of the above-mentioned resolutions.[1]

B. Guidelines of the Committee

3. The Bureau of the Committee, as elected at the Committee's first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman of the Committee is elected in his/her personal capacity for the calendar year, while two delegations are elected to provide the Vice-Chairmen for the year, all three constituting the Bureau of the Committee. For 1996, the Bureau consisted of Zbigniew Maria Wlosowicz (Poland) as Chairman, with the delegations of Germany and the Republic of Korea providing the two Vice-Chairmen.

4. At its 65th meeting, held on 5 February 1996, the Committee adopted further measures aimed at making its procedures more transparent, as recommended by the Security Council in the note of the President of the Council dated 24 January 1996 (S/1996/54). To that end, the Committee decided that its Chairman would give an oral briefing on the work of the Committee to all interested Members of the United Nations after each meeting.[2]

C. Humanitarian flights

5. Pursuant to paragraph 9 (e) of resolution 748 (1992) and at the suggestion of the United Nations Resident Coordinator in Tripoli, the Committee, at its 13th meeting, on 14 October 1992, approved special arrangements for emergency medical evacuation by air (MEDEVAC) from the Libyan Arab Jamahiriya. Instructions and procedures concerning the measures so approved by the Committee were transmitted to all States and international organizations on 16 October 1992.

6. Subsequently, at its 59th meeting, on 17 July 1995,[3] the Committee approved further procedures and arrangements concerning the authorization and monitoring procedures for MEDEVAC flights from the Libyan Arab Jamahiriya and the related issue of the maintenance and supply of spare parts for the pre-designated four Libyan air ambulances as an annex to the special MEDEVAC arrangements adopted previously by the Committee (see para. 5).

7. During 1996, the Committee approved 63 emergency MEDEVAC flights, while during 1995, 42 were approved.

8. On 8 March 1996, the Committee approved a request dated 1 March 1996 from Egypt for 45 flights on Egypt Air from Cairo to Tripoli and Benghazi and on to Jeddah, and an equal number of return flights, for the purpose of transporting Libyan pilgrims to perform the Hajj.

9. As had been done the previous year, the Committee approved the Egyptian request with the following conditions: (a) the Government of Egypt would communicate to the Committee in advance the exact schedule, routeing and aircraft registration number for each flight; (b) all flights would be direct and non-stop between the authorized destinations; (c) none of the aircraft would be owned by, leased from or controlled by the Libyan Arab Jamahiriya or any Libyan entity; (d) neither the Government or public authorities of the Libyan Arab Jamahiriya nor any Libyan undertaking would benefit financially, directly or indirectly, from such flights, pursuant to paragraph 3 (a) and (b) of resolution 883 (1993); and (e) pursuant to the guidelines approved by the Committee, the aircraft must be inspected to ensure that they are operating exclusively for the declared humanitarian purposes and in accordance with the relevant provisions of resolution 748 (1992). Accordingly, the inspections were effected in the same manner as the previous year.[4]

D. Violations

10. On 18 April 1996, the Security Council considered the 16 April flight of a Libyan-registered aircraft from Tripoli to Jeddah as a clear violation of Council resolution 748 (1992) and totally unacceptable, calling on the Libyan Arab Jamahiriya to refrain from any further violations. The Council also indicated that it would review the matter should further violations occur and requested the Sanctions Committee to draw attention of Member States to their obligations under resolution 748 (1992) in the event that Libyan-registered aircraft landed in their territory.[5]

11. As requested in the statement by the President of the Security Council of 18 April 1996,[3] the Committee, at its 68th meeting, held on 30 April 1996,[4] approved the text of a note verbale to be addressed to all Member States, drawing attention to their obligations under Security Council resolution 748 (1992).[5]

12. At its 69th meeting held on 5 July 1996, the Committee considered two notes verbales dated 27 June 1996 and 28 June 1996 respectively from the permanent missions of Egypt and of the Libyan Arab Jamahiriya to the United Nations. The Committee considered the fact that Libyan-registered aircraft had flown from Tripoli to Cairo on 22 June 1996 (transporting the Head of State of the Libyan Arab Jamahiriya to the Arab Summit) and back to Tripoli on 23 June 1996.

13. The Committee decided that the flights on 22 and 23 June, in disregard of Security Council resolution 748 (1992), were serious violations of the resolution. The Committee demanded that the Libyan Arab Jamahiriya refrain from any further such violations. If a further violation occurred, it would consider recommendations to the Council on ways to increase the effectiveness of the measures contained in resolution 748 (1992) in accordance with its paragraph 9 (c).[6]

14. In this connection, the Security Council considered on several occasions (in informal consultations) a letter dated 22 July 1996 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (ref. reasons for travel by the Libyan Head of State).[7] On 30 July 1996, the President proposed that, in his remarks to the press, he would recall the terms of resolution 748 (1992) and would also indicate that the Chairman of the Committee established pursuant to resolution 748 (1996) had stated on 5 July that if a future violation occurred, the Committee would consider ways to increase the effectiveness of the measures contained in that resolution. He further proposed that he might indicate that the members of the Council found the views expressed by the Libyan Arab Jamahiriya unacceptable and incompatible with resolution 748 (1992), and that they firmly urged the Libyan authorities not to pursue the intentions stated in the letter. On 31 July 1996, following confirmation by two members of the Council, the President indicated that he would make a statement to the press as previously tentatively agreed upon. The Council members concurred with the President's proposal.

III. REVIEWS BY THE SECURITY COUNCIL

15. On 12 August and 9 December 1992, the Security Council held informal consultations pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by the Council in paragraphs 3 to 7 against the Libyan Arab Jamahiriya in the light of the compliance by the Libyan Government with paragraphs 1 and 2 of the resolution, taking into account, as appropriate, any reports provided by the Secretary-General in his role as set out in paragraph 4 of resolution 731 (1992). So far, the Security Council has undertaken 14 such reviews.

16. In 1996, the Security Council undertook three reviews, on 21 March, 15 July and 15 November. On those occasions, the members found that conditions did not exist for modifying the regime of sanctions established by the Council in paragraphs 3 to 7 of resolution 748 (1992).

Notes

[1] S/1996/611 and S/1996/612.

[2] See SC/6185.

[3] See SC/6078.

[4] See SC/6191.

[5] S/IRST/1996/18.

[6] See SC/6209.

[7] See SC/6216.

[8] See SC/6241.

[9] S/1996/588.